

REMARKS

This is in response to the telephone conversation between Examiner Marc S. Zimmer and Douglas J. Sorocco on May 17, 2005. Applicant appreciates the Examiner pointing out the submission of the incorrect claim set. Applicant has submitted a correct claim set and a terminal disclaimer in view of U.S. Patent No. 6,3342,097.

In view of the foregoing claims and the following terminal disclaimer, it is respectfully submitted that the claims are in condition for allowance.

Rejection of Claims Under the Judicially Created Doctrine of Obviousness-type Double Patenting

In the telephone conversation between Examiner Marc S. Zimmer and Douglas J. Sorocco on May 17, 2005, Applicant was advised that the Examiner had erred by not making an obviousness-type double patenting rejection of the claimed article in view of the composition claims set forth in U.S. Patent No. 6,342,097, which had evolved from parent application 09/553,583. Although they belong to different statutory lines of invention, the litmus test for obviousness-type double patenting is whether or not the claims could reasonably have been separated by restriction. In the Examiner's estimation, they would not have been restrictable. Insofar as the instant process employs a coating composition comprised of precisely the same materials as are

essential to the composition claims of the patent, the Examiner stated that obviousness-type double patenting rejections are merited.

Applicant respectfully submits that the Examiner's rejection under the judicially created doctrine of obviousness-type double patenting is overcome in view of the terminal disclaimer submitted herewith in accordance with the provisions of 37 C.F.R. 1.321(c). The terminal disclaimer shows the subject application is commonly owned with U.S. Patent No. 6,342,097. In view thereof, it is respectfully requested that the Examiner withdraw the rejection under the judicially created doctrine of obviousness-type double patenting, as applicable to the claims now pending in the application.

Conclusion

The foregoing is meant to be a full and complete response to the telephone conversation between Examiner Marc S. Zimmer and Douglas J. Sorocco on May 17, 2005. In light of the amendments to the claims and the arguments made herein, all of the currently pending claims are patentable over the prior art of record. Therefore, it is requested that the Examiner reconsider each and every rejection as applicable to the claims now pending in the application and pass such claims to issue.

Respectfully submitted,



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